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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,603	07/18/2003	Edwin A. Hallberg	67086-061	4299

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EXAMINER

NGUYEN, CHI Q

ART UNIT	PAPER NUMBER
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3635

MAIL DATE	DELIVERY MODE
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07/29/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/622,603	Applicant(s) HALLBERG, EDWIN A.	
	Examiner CHI Q. NGUYEN	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11 is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In view of the appeal brief filed on 5/8/2008, PROSECUTION IS HEREBY REOPENED. New ground of rejections are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat. No. 2,978,754 to Wilson.

Claims 1 and 2:

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Wilson discloses a foldable platform structure comprising a first platform panel 1 having an upper surface 2 and a lower surface 4, said platform panel pivotally 19/20 connected via a connecting member 15 to a second platform panel 11 having an upper surface 3 and a lower surface 5, the second platform panel further being pivotally connected 58 to a base assembly 10 wherein when the first and second platform panels are in a position for use substantially coplanar and parallel (Fig. 1) to a ground surface the upper surface of the first platform panel and the upper surface of the second panel face upward and the second platform panel is supported by a plurality of ground engaging supports 26/32 and the first platform panel is supported by at least one ground engaging support 26/32 and by the second panel, and wherein when the first and second platform panels are pivoted to a storage position (see Fig 2) substantially perpendicular to the ground surface the respective upper surfaces 2/3 of the first and second platform panels face one another.

Claim 3:

Wherein further comprising a first platform panel restraint 51 to selectively prevent the first platform panel from pivoting relative to the second platform panel when the first and second platform panels are in the storage position substantially perpendicular to the ground surface.

Claim 4:

Wherein the first platform restraint 51 also locks the second platform panel in the storage position.

Claim 5:

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Wherein a second platform panel restrain 55 prevents the second platform panel from being pivoted to a position substantially parallel to the ground surface if the first platform panel is still in the storage position.

Claim 6:

Wherein the second platform panel restrain 55 is connected to the first platform panel 1 (see Figs. 4-5).

Claim 7:

Wherein the second platform panel restraint 55 engages the base assembly at 46 (see Fig. 4).

Claim 8:

Wherein the ground engaging supports are adjustable in length (Figs. 8-9).

Claim 9:

Wherein the adjustable ground engaging supports comprise telescopic leg assemblies (see Figs. 2-3).

Claim 10:

Wherein each telescopic leg assembly further comprises a first tub 11 and a second tube 47 that slideably engages the first tube (see Fig. 1).

Claim 12:

Wherein the base assembly further comprises wheels 49/50.

Claim 13:

Wherein the wheels connected to the base assembly are of a caster type.

Claim 14:

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Wherein the base assembly further comprises a panel stop 59 to engage the second platform panel and assist in holding the second platform panel in the storage position after the first panel has been pivoted to a position at an acute angle or substantially parallel to the ground surface.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 2,978,754 to Wilson.

Wilson teaches the basic structural elements for the foldable stage as set forth above. However, Wilson does not teach expressly the method steps from storage position to utilizing position as claimed by the applicant, examiner considers this to be the obvious method step of setting up device because in utilizing a foldable stage, one must obviously roll to and position on applicable place, disengage platform panels retainers, permit platform panels straight, lower ground engaging members or legs and adjust desirable highs. Wilson's disclosure would be motivated to follow these steps to facilitate assembly of a foldable stage as shown in Figs. 1-10.

Allowable Subject Matter

Claim 11 is allowed.

Response to Arguments

Applicant's arguments with respect to claims 1-10 and 12-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (571) 272-6847. The examiner can normally be reached on Monday-Friday from 7:30 am-4:00 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached at (571) 272-6777.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairdirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197.

/Richard E. Chilcot/

Supervisory Patent Examiner, Art Unit 3635

/C. Q. N./

Examiner, Art Unit 3635

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